

McCLURE'S MAGAZINE

VOL. XXIII

MAY, 1904

No. 1

THE REIGN OF LAWLESSNESS

ANARCHY AND DESPOTISM IN COLORADO

BY

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President Roosevelt, in a letter to Mr. Baker, commenting on a former article in this series, says :—

I believe in corporations ; I believe in trade-unions. Both have come to stay, and are necessities in our present industrial system. But where, in either the one or the other, there develops corruption or mere brutal indifference to the rights of others, and shortsighted refusal to look beyond the moment's gain, then the offender, whether union or corporation, must be fought, and if the public sentiment is calloused to the iniquity of either, by just so much the whole public is damaged.

DURING much of the past year, and continuing until the present moment, certain parts of the state of Colorado have been governed by military law. Governor Peabody, a banker himself, closely identified with the conservative business interests of the state, and therefore unlikely to make exaggerated statements, has proclaimed the existence of a condition of "insurrection and rebellion."

And martial law has been neither gentle nor forbearing ; when accused of violating the Constitution, Judge Advocate McClelland remarked :

"To hell with the Constitution ; we are not following the Constitution."

Colonel Verdeckberg, commanding officer in the Cripple Creek district, declared :

"We are under orders only from God and Governor Peabody."

But, if military rule has been despotic, many citizens have been lawless, and civil government ineffective. The miners' union has broken the law, there have been dynamiting and assassination ; the corporations have broken the law, there have been bribery and corruption ; the citizens' organizations, representing in some degree the great third party—the public—have broken the law ; even the Legislature itself, wherein the law is made, has been lawless. We have to-day, indeed, in certain parts of

Colorado, a breakdown of democracy and, through anarchy, a reversion to military despotism.

What are the causes of these appalling conditions ?

Insurrection and Rebellion Proclaimed

Martial law was declared in the Cripple Creek district on December 4th, and a month later in Telluride. The Cripple Creek proclamation was read in the city of Victor by a cavalry major guarded by fifty troopers, the citizens of the town gathered about, silent. After proclaiming that a condition of anarchy there existed, that civil government had become abortive, that life was in peril, and property unsafe, the Governor pronounced judgment upon this commonwealth :

Now, therefore, I, James H. Peabody, Governor of the State of Colorado, by virtue of the authority in me vested, do hereby proclaim and declare the said County of Teller, in the State of Colorado, to be in a state of insurrection and rebellion.

Rebellion, then, must be stamped out ! The silent citizens return to their homes. The Major, well backed by his troopers, seizes for military headquarters a building owned by a private citizen. He marches to the seat of government and informs the mayor and the chief of police that unless they obey military orders he, the Major, will seize the City Hall. He visits the office of the *Victor Record* and establishes a military censorship. The editor is

forbidden to print an editorial concerning these military doings, and the next morning, or maybe the morning after, the paper appears with a black-bordered column, significantly blank, as it happens in Russia.

Having violated the rights of private property, overturned the people's government, suppressed free speech and a free press, the Major left armed men to patrol the city streets, and clattered away up the hill with his troop.

But the Proclamation of the Fourth of December was only the formal dramatic declaration on the part of the Governor of a condition long existent. For some two months prior to this time the military forces had been practically in control. And it had not been pleasant—martial rule. Soldiers are not that way.

Character of Cripple Creek Miners

Cripple Creek and Victor are American towns. Most of the citizens are miners, long resident in Colorado. They have played no unimportant part in making this district, among the tops of the Rocky Mountains, the greatest gold producing camp in the world. In 1902 they dug \$25,000,000 from the hills. This is their home; they have here bought land and built houses; have here raised their children. They have given the Cripple Creek district the well-merited reputation of having an unusually high class of miners, largely men of American birth, who have gone to American schools, read American newspapers, who have voted and paid taxes, and held public offices. You will go far, indeed, to find working-men living, or who did live, in better homes, with more of the comforts of civilization around them.

Arrests Without Warrants

Well, some of these men were arrested by the military forces, arrested without warrants and without charges, locked up in an unsavory place called the Bull-Pen, and kept *incommunicado*, often for weeks. Just at this place I am not discussing the reasons for these arrests, nor asserting that the men were not guilty; the point is: every right of the individual citizen was here trodden upon and disregarded.

Friends of the men arrested had immediate recourse to the civil courts. They began habeas corpus proceedings

before District Judge Seeds, of Cripple Creek.

As every one knows, the writ of habeas corpus is one of the most precious rights of the Anglo-Saxon, called by Blackstone the "second Magna Charta." It has for its object the protection of the precious personal liberty of the free citizen—it provides that he shall not be held a prisoner without due process of law. Judge Seeds ordered that the Bull-Pen prisoners be brought into court, that an orderly inquiry might be made as to whether any innocent man was deprived of his liberty. General Chase and General Bell, then in command, obeyed the writ in their own significant way. They surrounded the court house with armed men; they planted sharpshooters on the roofs of the buildings roundabout; they set a gatling gun in the street outside, and then they marched into court with an overawing force of troopers which they planted squarely in front of the judge's bench. When the judge approached his own court he was halted with a bayonet brought to his breast, and kept waiting the pleasure of an officer from Denver! After the bailiff rapped for order, Eugene Engley, former attorney-general of the state of Colorado, one of the attorneys for the prisoners, declaring that no real justice could be administered in a court intimidated by armed men, left the room. "The constitutional guarantee that courts shall be open and free has been invaded and overthrown," he said. But the judge finally decided that the prisoners, whatever their offense, must not be deprived of their liberty without charges, and ordered that they be surrendered to the civil court.

Writ of Habeas Corpus Suspended

The generals deliberately violated the court order, and marched the prisoners back to the Bull-Pen, with the sharpshooters and the gatling gun. They were subsequently released by special order of the Governor, but others were arrested repeatedly and held for considerable periods. And finally the Governor himself took the gravest step which any executive officer in this country can take, a step forbidden, except under the most stringent safeguards, by the constitution of practically every state in the Union, including that of Colorado—he suspended the writ of habeas corpus in the case of one Victor Poole, keeping him

locked up without due process of law, for weeks.

Censorship of the Press

Nor was this all. I have already spoken of the censorship of the *Victor Record*. Some weeks before this occurred, a company of cavalry, under the command of General Chase himself, appeared one night after eleven o'clock, surrounded the *Record* office, arrested the entire force, and marched them off to the Bull-Pen, without warrant and without charges, although it was understood that Mr. Kyner, the editor, had criticized the methods of the soldiery. Here they were kept without proper food for twenty-four hours. It so happened that the plucky wife of one of the linotype operators, herself an operator, Mrs. Emma F. Langdon, hurried to the office after the force was arrested, and she and the office boy and the business manager, aroused from his bed, barricaded the doors, refused to admit a military guard which demanded entrance, and at three o'clock in the morning got out the paper. At the head of the first page there was this line: "Somewhat Disfigured, but Still in the Ring."

And in the gray of the next morning she stuffed her sleeves with damp copies of the paper, and climbed the hill to the Bull-Pen, there to be halted by the guard and not allowed to see the editor and his force, among whom was her own husband.

Small boys, and even women, one the wife of a merchant, were actually arrested for speaking disparagingly of the soldiers and sent to the Bull-Pen. Private homes, the castles of the citizens, were entered and searched without warrant. A squad of soldiers visited the home of Sherman Parker in the night, while Parker himself was away, aroused his wife from bed, forced her, in her night-clothes, in the presence of these men, to hold the lamp while they searched the house—and found no arms.

In Cripple Creek, on December 28th, John M. Glover, former United States Congressman from Missouri, who stood upon his constitutional right to own and keep arms (with undue truculency, it may be, though this does not alter the facts of the case), was attacked in his law office by a squad of soldiers. He barricaded the door, and, when the troops attempted to force an entrance, he opened fire through the panels. The soldiers replied with a

volley through the door and walls. Glover, shot through the arm, finally surrendered. His revolvers were seized and he himself detained a prisoner.

Doings not dissimilar to these also took place at Telluride. Citizens, some of whom owned property and had been long residents of the town, were arrested for *vagrancy*. Most of them were strikers; strikers by right, if they wished to strike, neither beggars nor vagrants, and having no specific charges of crime against them. Some of them were put to work like criminals in a chain gang on the streets.

Leaders Expelled from their Homes

On January 4th, twenty-six men, including Attorney-General Engley, lawyer for the union; Guy E. Miller, president of the union; J. C. Williams, vice-president of the Western Federation of Miners; Charles D. Sumner, a newspaper man, and many strikers, all of whom had money, were taken by force, placed on board of a train under military guard, deported to the boundary line of the county, and ordered not to return. Some of these men had long been citizens of Telluride, owned property there, had their wives and families there. Soldier guards turned back the banished citizens when they attempted to return to their homes.

To this, then, have we come in these American towns at the beginning of the twentieth century! And why is this so? Why have the people borne these appalling usurpations?

Charges Against the Miners' Union

Nearly any mine owner or prominent citizen in Colorado will answer this question instantly, and with the full belief that he has answered it correctly. He will say: "The Western Federation of Miners."

He will say that this is a socialistic organization of lawless and violent men, not more worthy of respect because it now numbers, or numbered, among its members, most of the metalliferous miners and mine workers in the West; that it had its birth in Butte City as an incident of the lawless copper war between Senator Clark and Marcus Daly; that it practised rebellion in the Cœur d'Alène conflict of Idaho; that it has called unwarranted strikes in Cripple Creek, Telluride, and elsewhere in Colorado, and that in places where its members are

striking, life and property are not safe. I heard conservative men, connected with neither side of the controversy, indulge in a hardly believable bitterness of denunciation against this miners' organization. So intense has the feeling become that citizens' alliances have sprung up all over the state and have worked with the associations of mine owners in fighting the Western Federation of Miners.

The representatives of these various interests do not varnish their words. They have declared that nothing short of the extinction of the Western Federation of Miners will suffice, and many even go so far as to declare for the demolition of all unions among working-men.

Has Unionism Brought Anarchy?

It will be instructive, then, to see what the Western Federation of Miners has done to merit this weight of public opposition. Unionism—one sort of unionism—is on trial in Colorado; has it brought anarchy or has it not?

The two chief centers of the metalliferous strike are Cripple Creek and Telluride. In both of these districts the union was strongly intrenched. It had been able, in past strikes, to get from the employers practically everything the men wanted; they had the eight-hour day, they were paid the wages they demanded. No miners in the world, perhaps, worked under more favorable conditions and were more generally contented. In Telluride the union had a contract with the employers assuring the workers the continuance of these excellent conditions. In Cripple Creek there had been peace and prosperity since the strike of 1894; in Telluride since the strike of 1901. One would have said, looking superficially at either of these towns, that here, indeed, were ideal industrial conditions.

Attempt to Secure Labor Monopoly

But there was a fly in the ointment. A few mines in Cripple Creek were still "open," still defied the union, still employed "scabs." In order to force these bold ones into line the leaders of the Western Federation, early in the year 1903, began a campaign among the workers in the reduction mills and smelters of the state, seeking to bring them into the same organization with the miners. It is a

general policy among many of the greater American unions—like Mr. Mitchell's United Mine Workers and the Longshoremen—to get control of every worker in any way connected with the industry. It is the trust idea applied to unionism; the reaching out toward labor monopoly. The leaders of the Western Federation knew that if they could get control of the millmen and smeltermen they would be able not only to go far toward dictating their own wages and hours, but to drive the "scab" competitor out of existence. At the same time they had another and equally important purpose—that of forcing a universal eight-hour day, especially in the smelters. Of this purpose I shall have more to say a little later.

Beginning of the Great Strike

The Federation began its attack on the Standard Mill of the United States Reduction and Refining Company, at Colorado City, meeting here the determined opposition of Charles M. MacNeill, the manager. A strike finally developed, followed by a long, costly, and bitter conflict, even involving the Cripple Creek miners in a brief sympathetic strike; but after months of effort the Standard Mill was still non-union, or nearly so. In the meantime the Federation had pursued a vigorous campaign of organization among other mill and smelter workers of the state, but with indifferent success. The leaders finally attempted, by calling strikes, to close down the two great plants of the "Smelter Trust"—the American Smelting and Refining Company, at Denver—but only one of them was disabled, the other continuing with non-union men and the twelve-hour day. Strikes were also called on other mills and smelters at Durango and Telluride.

Threatened with defeat in their attempt to organize these new classes of working-men and to force the eight-hour day by a direct campaign, the Federation decided to bring the recalcitrant mill and smelter owners to time by cutting off their supplies of ore. They proposed to do this by ordering the union miners of Cripple Creek and Telluride to refuse to work in any mine shipping ore to the "unfair" mills and smelters—particularly to MacNeill's mill at Colorado City.

In August, 1903, the Federation used its really great power, and nearly all the mines

in the Cripple Creek district, and later in the Telluride district, were closed down. The miners of Cripple Creek and Telluride had no grievance of any sort whatsoever; in Telluride, indeed, they indirectly broke their contract with their employers in order to go out. In both places it was, in short, a sympathetic strike.

Worse than this, these contented miners were ordered to strike without being consulted as to whether they wished to go out or not. In most unions and the best unions, the power of calling strikes is hedged about with restrictions, and the men themselves must vote on the question. Indeed, the referendum method was practised by the Western Federation of Miners until its last convention, when a resolution was put through placing the extraordinary power of calling strikes in the hands of President Moyer, Secretary Haywood, and the Executive Committee.

Thus we find in the Western Federation of Miners that same tendency toward the centralization of power in the hands of a few men which is one of the chief dangers of unionism. We have already seen it in varying forms in the cases of such Labor Bosses as Parks of New York and McCarthy of San Francisco. In this great miners' union, with its 225 locals in seventeen Western states and territories and in British Columbia, and its 80,000 members, we find a small, autocratic executive committee practically in control, and Haywood and Moyer practically autocratic in the committee.

Haywood, Boss of the Federation

I place Haywood's name first: he is the man of force in the Federation. And a man who can rise to supremacy over such an organization must be endowed with not a few high qualities of leadership. Haywood is a powerfully built man, built with the physical strength of an ox. He has a big head and a square jaw. A leader is here judged by the very force of his impact. Risen from the mines himself, from the "bowels of the earth," as he describes it, this man has become a sort of religious zealot; and socialism is his religion. He is a type of the man, not unfamiliar now in America, equipped with a good brain, who has come up struggling and fighting, giving blows and taking them, who, knowing deeply the wrongs of his own class,

sees nothing beyond; whose mind, groping hopelessly for remedies, seizes eagerly upon a scheme like socialism which so smoothly and perfectly solves all difficulties. Take a character like this, hard, tough, warped, immensely resistant, and give him a final touch of idealism, a Jesuitic zeal that carries the man beyond himself, and you have a leader who, like Haywood, will bend his people to his own beliefs. And we do not expect to find such a leader patient of obstacles, nor far-sighted, nor politic, nor withholding a blow when there is power to inflict the blow, nor careful of means when ends are to be gained. What is a man, or a state, when a cause is to be served!

We are not surprised, then, to find Haywood and his associates, turned aside from their purpose of organizing the millmen and having secured despotic power in the organization, ordering out three thousand contented, prosperous working-men in the Cripple Creek district and some two thousand in Telluride—apparently without a thought of the enormous responsibility involved—rendering unproductive millions of dollars' worth of property, disorganizing one of the greatest industries of the West, threatening the prosperity of a state. And all this without allowing the miners themselves to vote on the weighty question of earning their own bread and butter. It may be truthfully said that most of the miners did not want to strike; not a few of them told me that the strike had been a terrible mistake.

Results of the Sympathetic Strike

Mistakes are punished equally with crimes, and we see now the inevitable results that follow upon a sympathetic strike. The union forgets that there is quite as much sympathy on one side of an industrial conflict as on the other, that the use of the sympathetic strike drives the employers to the use of the same weapon. Here were the mine owners of Cripple Creek, innocent of any offense in this connection, working on good terms with their men; they are suddenly subjected to a disastrous strike and great losses; they are used as a club to drive certain outside but friendly business interests into dealing with the very organization which is responsible for their present difficulties! Is it surprising that these mine owners should be forced together by mutual indignation into a powerful defensive association? The union itself sowed

the dragons' teeth that raised up a formidable enemy where none existed before. "An injury to one is the concern of all," argued the union leaders, quoting their familiar motto when they called out the miners in sympathy with the millmen; is it surprising that they should hear the same motto from the other side? And the sympathetic strike has been one of the factors in turning public opinion against the union.

Mine Owners Organize

Having organized, the Mine Owners' Associations of Cripple Creek and Telluride began, exactly after the manner of the new trade-union—for human nature is the same among employers as among workmen—to sum up all the exactions and grievances to which they had been subjected by the union for years—things that might have been passed over but for the sight now forced upon them. And the more they summed up the angrier they grew, finally deciding that this was the opportunity to throw off the yoke of the union altogether.

So the fight began. The mine owners saw plainly that they could not open their mines on a non-union basis without protection from the state troops, and so they brought influence to bear on the governor, and the troops were sent to Cripple Creek and Telluride. The mine owners even advanced the money to pay the troops. In analyzing the action of the governor, the *Army and Navy Journal*, one of the best authorities in this country on military affairs, has said:

But that he (the governor) should virtually borrow money from the mine owners to maintain the troops whom he had assigned to guard their property was a serious reflection upon the authorities of the state. That arrangement virtually placed the troops, for the time being, in the relation of hired men to the mine operators, and morally suspended their function of state military guardians of the public peace. It was a rank perversion of the whole theory and purpose of the National Guard, and more likely to incite disorder than prevent it.

When I first reached Colorado I was surprised to find so little violence, so little apparent cause for this display of force. Viciousness existed, but not to be compared in extent with that of the anthracite coal strike in 1902, nothing like the riots which the writer saw in Chicago in 1894, and there was surely not as much "slugging" in Cripple Creek as there was in New York

City under the Parks régime. Indeed, Sheriff Robertson, of Teller County, a union sympathizer, would not call for troops; and the governor sent the troops in spite of the sheriff.

The subsequent developments show that the troops really made no attempt to do impartial police duty: they sided openly with the mine owners, were paid and directed by the mine owners. The governor himself sided with the mine owners. The troops came out not merely to prevent violence, but *to break the strike*, "to do up this anarchistic federation," as General Sherman Bell himself told me. The simple fact is this: the mine owners had a friendly governor and they used him to accomplish their ends, exactly as the miners, in 1894, used Governor Waite, *their* friend, to accomplish *their* ends. In short, the labor problem has here been dragged into politics, raising the most unfortunate complications, to which I shall refer again.

On the other hand, no one who knows anything of the history of the miners' union in Colorado can doubt that there would have been violence and assassination if the operators had attempted to open their mines without military protection. A consideration of this history is necessary to an understanding of the character of the miners' union and as an explanation in part of the trend of public opinion in Colorado, which undoubtedly supported the governor and condemned the Western Federation of Miners.

Battle at Telluride

In 1901 a strike was called in Telluride, backed by the Western Federation of Miners. It was a strike primarily against the contract or piece-work system, the union demanding a uniform work-day with a minimum wage.

After a month of idleness, Superintendent Arthur L. Collins, of the Smuggler-Union property, opened his mine with non-union men.

The local union ordered 250 rifles and 50,000 rounds of ammunition from Denver—the order being written on Western Federation stationery, and signed by St. John, the union leader; the draft in payment also bore the signature of St. John.

On the morning of July 3d, as the "scab" miners of the night shift were leaving the Smuggler-Union, they were fired upon from

every direction by men hidden among the rocks of the mountain side. It was a complete ambush. Several men fell wounded; the others returned the fire. Becker, a brother-in-law of Manager Collins, had his arm shattered above the elbow, an injury from which he has never recovered. Jordan, a shift boss, shot through the hip, limps to this day; Nicholson, badly wounded, lay in the hospital for weeks. One attacking striker, an Italian, was killed.

Surrender of the "Scabs"

After a battle lasting several hours, the party at the mine, outnumbered and outclassed in arms, displayed a flag of truce. A parley was arranged between St. John and a representative of the mine owners, exactly as in real war. Possession of the mine was finally yielded to the strikers upon the promise that the "scab" workers, the foreman and others, should be allowed to depart in peace with their wounded. But when the "scabs" had given up their arms and were left unprotected, the strikers surrounded them, tore open their bundles, stole everything worth appropriating, then, instead of letting them depart in peace, subjected them to all manner of abuse and violence. Finally the "scabs" were formed in line, driven up the mountain side, over a rocky trail, and out of the district. On the way, Thomas Ballard, one of the non-union miners, an American citizen, was shot through both arms by the strikers and left on the trail. It was not until the next day that he was able to drag himself into Silverton; to-day he has one useless arm. Edwin Thomas, a Cornish miner of small stature, was beaten and left for dead. He managed to reach an abandoned cabin where, in the night, two men appeared, denounced him as a "scab," and gave him another beating. The remaining non-union men were warned that if they returned to Telluride they would lose their lives. After this riot the sheriff called for troops, but a state senator, who favored the strikers, telegraphed: "No occasion for troops; mine in peaceful possession of miners"—the miners here referred to being the strikers who had captured the property by force of arms, and wounded, beaten, and driven out the representatives of the owners—and the governor then in office refused to take any action.

Left thus in undisputed supremacy, the union made such terms as it desired with the operators, finally signing a three years' contract covering the matter of hours and wages.

Burial of a Union "Hero"

The Italian who was killed in the attack, a foreigner, only a short time resident in the country, was now given a most imposing funeral, buried like a hero, and a monument costing \$600 (appropriated by the union), was set at his head. It was dedicated July 3, 1902, the anniversary of the battle, and an excommunicated Catholic priest, Father Haggerty, made a socialistic speech in which he used these words:

"That railroad is yours; the trains are yours; those large business blocks and office buildings down-town that bring in big rents are yours; the mercantile stocks of goods are yours; the banks and the moneys there on deposit are yours; if you want them, go and take them."

What must have been the deductions drawn from such a series of events as these—the mob battle, the capture of the mine, the abuse of the "scabs," the honored union hero, the address of the Socialist priest—upon the undigested mass of foreigners, Italians, Finns, Austrians, which chiefly constitutes the population of the Telluride district?

Assassination of Collins

The result of this sort of teaching in Americanism was evident in a record of blood and assassination, the climax of which occurred on November 19, 1902, over a year after the strike was over. On the night of that day, while apparently there was no trouble of any sort brewing, Manager Collins, of the Smuggler-Union Mine, sitting at a lighted window in his house, was shot and instantly killed by an assassin out in the dark. The last and greatest grudge of the union was thus settled—though the union eagerly disclaims any part in the crime, and the assassin is not known to this day. Collins was a mining engineer respected throughout Colorado, and his assassination did more than any other one thing to intensify the feeling of hatred of the union.

Similar violences occurred in Cripple Creek in 1894. The strikers armed and

fortified themselves on Bull Hill, taking control of certain of the mines. An army of deputy sheriffs was organized, and, had it not been for the arrival of the troops, a bloody battle must have followed. In this instance the governor—Waite—favored the strikers, and the operators were compelled to grant, under what is known as the Waite Agreement, practically all of their demands.

Just before the troops were called into the field last fall, an inoffensive old Scotch carpenter named Stewart, a respectable citizen who owned his own home, but who was unfortunate in not being a union man, went to work in one of the Cripple Creek mines. On the night of September 2d four masked men appeared at his home. The old man, who had been quietly reading a newspaper, let them in; they set upon him and beat him frightfully with a pistol butt before the eyes of his wife, and then dragged him out, shot him through the back, and left him for dead.

On November 21st, while the troops were in control, Superintendent McCormick, and Beck, shift boss, were descending into the Vindicator Mine, which had opened with "scab" labor. At the sixth level a terrific explosion wrecked the cage and killed both men instantly. An infernal machine, the remains of which were found, had been set so that the descent of the cage would explode a keg of powder. No one knows who did this awful deed, and the coroner's jury could fix no blame.

Is the Union Responsible for Violence?

Union leaders here, as in every other strike, deny that the union is responsible for this bloodshed and violence. Sometimes they try to shift the blame to rascals and camp followers, not union men, who take advantage of the strike disturbance to give play to their criminal instincts; sometimes, in cases especially of property destruction, they accuse the mine owners themselves, or their agents, of acts of violence which, by arousing public sentiment, may help to bring in the troops; and rarely they admit that violences are committed by irresponsible members of their own organization.

It is always difficult to fix definitely the blame for these secret crimes, and especially difficult in towns like Cripple Creek, Telluride, and other Colorado camps, where

the population is made up so largely of members of the union, or union sympathizers; where the officials, the sheriff and the coroner, the district attorney and the juries are often union men, or at least look to union votes to keep their places. Sheriff Robertson, the chief executive officer of Teller County, for instance, is a member of Miners' Union No. 40, and practically all of the other county officers are union men or union sympathizers. What is the result? Union men arrested for assaults on "scabs," or for other deeds of violence, are rarely punished. Scab-beating is not a crime in Teller County. It is hardly surprising, then, that the more terrible assassinations and dynamitings of the strike-periods should be laid at the door of the union. And we know this positively: the union does not frown upon the slugging of non-union men. Indeed, the constant villification of "scabs" in the union papers, in the union meetings, is a direct encouragement and incentive to this crime, which, in time of strike excitement, leads inevitably to killing. Not only does the union not discourage these things, but, when a union man is caught, every resource of political influence, as in Teller County, is used to get him free. For instance, a union man named Minster was arrested in Cripple Creek, charged with various assaults. While the legal complaints were being made out, Sheriff Robertson, asserting that the lawyers were slow, and that he could not hold Minster without formal charges, let him go! Under-Sheriff Gaughan said concerning this case: "We can't afford to antagonize a whole raft of people." In short, the sheriff did not want to antagonize the union that elected him, and so he administered law to suit, not the whole people, but the union.

On the other hand, an officer who does not execute the law to suit the union sometimes pays high for his temerity. For instance, in August the union was instrumental in having several non-union workers at the El Paso Mine arrested for carrying concealed weapons. Justice of the Peace John T. Hawkins fined one man five dollars and discharged the others—a judgment far too lenient for these "scabs," the union thought. On September 2d, in full daylight, on the main street of Altman, while on his way to the post-office, Justice Hawkins was assaulted from behind, knocked down, and

then jumped upon and kicked. When he recovered he walked across the street and asked a man—a union man—if he knew who had struck him. This was the reply: "I saw him and I know him, but I will not tell you, you scab protector. If it had been me, you can bet your life I would have done a better job."

Evasion, excuse, and the attempt to shift responsibility will not avail the union; the union or its elected sheriffs must sift these crimes and punish the offenders, no matter who they are. When they have done this, they can come to the public with irresistible claims upon its sympathy.

The strike at Cripple Creek in 1894, and that of Telluride in 1901, were called great victories for unionism. They were not. They were defeats. Victories obtained by such violence and bloodshed are always defeats. They laid the foundation for other violence. They encouraged the unions, once successful with rifles and fists, to use rifles and fists again. They inspired arrogance, they begot petty exactions, which heaping up, heaping up, year after year, finally brought the catastrophe of 1903, which is not unlikely to wipe the Western Federation of Miners out of all the important mining camps in Colorado, and give unionism a setback from which it will limp to recovery only after years of humble and painful effort.

What Socialism Means to Unionism

Another influence has been potent in the strike. The Western Federation of Miners has declared itself Socialistic; preaches the Socialistic doctrine, urges its members to vote the Socialist ticket, although a large proportion of the membership is not Socialistic. In this respect it departs widely from the conservative trade-union movement of the country. It is not affiliated with the American Federation of Labor, nor do its leaders agree with the trade-union idea as advanced by Mr. Gompers, Mr. Mitchell, Mr. Keefe, Mr. White, Mr. Clark, and other prominent leaders. One of the fundamental purposes of trade-unionism is to deal with the employer or the employers' organization in a friendly business spirit, to make mutually agreeable settlements and contracts. Witness the system of agreements under which the Typographical Union, the United Mine Workers, and the Railroad Brotherhoods have worked for years. It is

the desire of the legitimate trade-unionist to join with the employer and work out the problems of each industry. But the Socialist sets himself on a different plane. He regards the employer as a robber, an exploiter, of whom he is the victim; and no matter how much the employer might give him in increased wages and shorter hours, he would still be a robber and the Socialist still the victim. He even tends to lose respect for property, regarding it as the accumulation of robber wealth; on the card which every member of the Western Federation of Miners carries, and printed on the cover of the official organ of the union, *The Miners' Magazine*, is this slogan of Socialism: "Labor produces all wealth: wealth belongs to the producer thereof."

I listened several times to the speeches of President Moyer, "Mother" Jones, and other leaders. Here is a sample from "Mother" Jones:

"These robber exploiters take the wealth that we have produced by the toil of our hands and the sweat of our brows. Before the warfare comes to an end labor must be given all, capital itself must be destroyed, and Socialism must take its place."

How can President Moyer and Secretary Haywood go from a meeting in which they have been making their followers believe these things and talk calm business agreements with employers who have no right to existence?

And they take quite a different position upon a strike from that of the conservative trade-unionist. Any disturbance with them, for good or for bad, is helpful in calling attention to the "burden borne by the masses"; it serves to stir up that "class consciousness" which is the present dream of the Socialist, to separate employer and employee by a wider and wider chasm, thereby hastening the day when the "government must step in and take control."

A Secession from Society

Indeed, the policy of the Western Federation of Miners in Colorado, would suggest a sort of secession from society. Everything is all wrong—government, politics, industry, religion. So we find the union opening its own stores, trying to run its own hospital, negotiating for a coal mine to dig its own coal, encouraging its members to avoid a "capitalistic press" and read only good socialistic papers. They

not only want socialism, but they want it this morning. Meanwhile the old world moves onward, and things grow, not by miracles, but slowly and painfully.

But in spite of the mistakes, the violences, the arrogance, the unreasoning sympathetic strikes of the Federation in Colorado—mistakes now inexorably winnowed out and punished—the union is by no means entirely to blame for the sorry conditions existing in Colorado.

Deeper Causes of the Great Strike

One of the great underlying reasons for the existing struggle, as I have said, was the demand for an eight-hour day in the smelters and mills of Colorado. The eight-hour agitation has been long-continued and bitter. Several years ago the unions began a systematic effort to secure legislation limiting the hours of work in reduction mills, in underground mine workings, and in smelters—all occupations more or less dangerous and injurious to health—where the employees now work from nine to twelve hours a day. And twelve hours a day in the often poisonous atmosphere of a smelter, any one will admit, is not humanizing toil. In 1899 the Legislature passed an eight-hour law restricting employment in these occupations. When an attempt to enforce it was made, the Smelter Trust, the Coal Operators, and other interests fought it before the State Supreme Court, which finally declared the law unconstitutional, although the United States Supreme Court had already approved a similar law passed in Utah. Such legislation, indeed, now exists in Kansas, Utah, Montana, Nevada, Arizona, British Columbia, and elsewhere.

Fight for Eight-Hour Legislation

The unions then began the work of getting an amendment to the Constitution. In November, 1902, the question was submitted to the people of Colorado, and an amendment carried by the tremendous majority of 46,714 votes. Both Democratic and Republican parties solemnly pledged themselves in their platforms to execute the will of the people and make laws to enforce this amendment in the Legislature of 1902-3.

Well, the Legislature met, and at once a powerful lobby appeared, such prominent citizens of Colorado as J. B. Grant,

representing the American Smelting and Refining Company (the Smelter Trust), Crawford Hill of the Boston Smelting Company, Caldwell Yeaman of the Victor Coal and Coke Company, and J. C. Osgood of the Colorado Fuel and Iron Company, one of the greatest corporations in the West—these were the same interests that had fought the former eight-hour law. They now appeared before the Legislature, they and others, confusing the issue with multitudinous suggestions, disagreeing, "jockeying"—but all the time really endeavoring to prevent the passage of the laws necessary to make the amendment effective. It was nothing to them that the people of Colorado had declared such a law to be their will by an immense majority; it interfered with their business interests! And they had a lawless Legislature to deal with. At the very beginning of the session the House, which was Republican, unseated a number of the Democratic minority, in order to get a majority in the joint conference which was to elect a United States Senator. Then the Senate, largely Democratic, retaliated by expelling some of its Republican members. Both Senate and House sat for days guarded by armed men. General Sherman Bell, afterwards in command at Cripple Creek, protected the Republican House with members of the state troops!

Lobby Defeats the Will of the People

When the eight-hour bill came up, neither party wanted to pass it; each sought to throw the odium for its rejection upon the other. And all the while the lobby experts were working silently underneath, as such lobbies know how to work. By the wording of the amendment it was made mandatory on the Legislature to pass the eight-hour law—"The General Assembly *shall* provide by law"—and yet they *adjourned without passing it*.

Rarely, indeed, has there been in this country a more brazen, conscienceless defeat of the will of the people, plainly expressed, not only at the ballot, but by the pledges of both parties. And the great corporations of Colorado continued smugly with their nine, ten, and twelve hour days—earning a little more profit.

J. B. Grant, of the Smelter Trust, in a published statement, asserted that the additional cost involved in granting an

eight-hour day, the establishment of three shifts instead of two, would render it impossible for his company to conduct a profitable business in Colorado.

Let us look at the Smelter Trust. Born in the period of inflated corporate enterprises, it was capitalized at \$100,000,000, about \$50,000,000 of which was water. Here, then, we have a condition not dissimilar to the cause underlying Parksism in New York—the managers of the Smelter Trust trying to squeeze out dividends on a capitalization half of which had no existence in values. Indeed, no dividends have yet been paid on the \$50,000,000 of common stock. Is it surprising that they should squeeze their working-men; that they should fight an eight-hour day, bring pressure to bear on a pledged Legislature, and defeat the will of the people? Compare this lawlessness which, beginning with watered stock, must undermine the honor of a state in order to earn dividends, with the lawlessness that knocks a “scab” on the head. Which is worse? Who is the greater anarchist, the millionaire magnate or the Italian miner who goes out in the night and shoots a fellow workman in the back?

Where the Ballot Has No Value

The effect of this defeat upon the unions may well be imagined. They had worked long and hard to secure this legislation, they had voted for pledged legislators only to see the plainly expressed will of the people deliberately defeated! Is it a wonder that they were discouraged, even desperate? Here they were compelled to strike to enforce what should have been a state law! It is just such doings as these that drive men to Socialism. We preach to the agitators: “Your remedy is the ballot: vote and get your rights.”

Here voting did no good. In nearly all the strike speeches I heard in Colorado, this defeat of the will of the people was the strongest argument that could be used. I heard President Moyer say in a speech at Pueblo:

“What is the use of your ballots anyway? You might as well tear them up and throw them in the gutter.”

The conclusion drawn by the leaders is that union men must vote the Socialist ticket: and the logic is not unconvincing.

No doubt the Smelter Trust and the Coal Operators called the defeat of the eight-hour law in the Legislature a great victory, as the union spoke of the former strikes in Cripple Creek and Telluride as victories. But it was not a victory. It was a defeat. The present scourge in Colorado, which has not spared these great money interests, found one of its chief sources there in the State-house in the definite place where the lobby and the Legislature met, where the legislator considered his political and private interests above the sacred interests of his state.

Lawlessness by Bludgeon and Lawlessness by Finesse

These dark deeds of the lobby are no more definitely provable and punishable than the dynamitings and assassinations in the strike districts, and yet no one in Colorado has any more doubt that the corporations and political corruption were behind the defeat of the eight-hour law than that the unions and their political sheriffs and other officers are responsible for the violence in the gold camps. Each sort of lawlessness, darkly planned, secretly executed, comes oozing to the surface in loss of dividends, in destruction of property, in hunger and want, in assassination. And when mines and mills are tied up, business suffering, banks failing, industry paralyzed, we hear a cry of horror going up, not unhumorously, that Capital is being frightened away from Colorado! The great god Business has been disturbed! We cannot defend for a moment the lawless methods of unionism—anarchy by bludgeon; but neither can we excuse that other sort of lawlessness—anarchy by finesse: that crawling, underhanded lawlessness that corrupts legislators and breaks the greater laws.

In November, 1903, came the strike of the United Mine Workers of America, John Mitchell's organization, against the Coal Operators of Colorado—and chiefly against the Victor Fuel Company and the Colorado Fuel and Iron Company, a huge corporation controlled by John D. Rockefeller and George J. Gould.

There is not space here to consider fully all the significant features of the strike of the coal miners of Colorado, but one thing is important in this connection. Out of the five principal demands of the union on their employers, two of them are to enforce

laws already on the statute books of Colorado, and a third, the eight-hour demand, was already a constitutional law, and would have been on the statute books, had the Legislature of last winter carried out the will of the people.

Why Laws Are Not Obeyed

I asked several officials of the coal-mining corporations why these laws were not obeyed, why the unions must strike to enforce state laws, and the answer was to this effect :

"Nobody observes those laws; they're unconstitutional anyway."

Lincoln said in his first inaugural address :

It will be much safer for all, both in official and private stations, to conform to and abide by all those acts which stand unrepealed, than to violate any of them, trusting to find immunity in having them held to be unconstitutional.

The excuse of these corporations for disregarding the law is only a little different from that of the union in excusing the slugging of "scabs." Why are the laws not enforced in both cases? Because the State must be prosecutor, and both sides *really hold the State in contempt*. The corporations have the best and shrewdest lawyers that money can hire to fight the enforcement of such laws; they find legal fees cheaper than obedience. The unions on their side threaten the State's attorney, or the sheriff, or the coroner, with a withdrawal of votes. So both sides escape.

Here is the bed-rock fact as to the situation in Colorado: if the laws on the statute books, including the eight-hour law, which should have been enacted, had been obeyed, there would have been no disturbance last year.

Who Has Suffered Most by the Strike?

Follow the trail a step further. The chief sufferers by these strikes have not been the combatants themselves: they never are. The Western Federation strike was primarily against the offending smelters and mills, but the Smelter Trust, having works elsewhere, has suffered comparatively little. The real sufferers are the unoffending miners and mine owners of Cripple Creek and Telluride—upon whom rests the weight of a sympathetic strike—and the merchants, bankers, and business men of these and other towns. In the coal strike the larger owners of the Colorado

Fuel and Iron Company are Rockefeller and Gould—and *they* are surely not suffering. And the coal miners who are striking are being supported from the funds of the United Mine Workers of America, so *they* are not suffering especially. The real sufferers here are the 7,000 workers in the steel mills at Pueblo, closed on account of the strike; the people of Colorado who must pay higher prices for their coal; the starving employees of the Overland Cotton Mills and like enterprises, closed on account of the lack of coal, and in general the public of Colorado whose business has been injured.

Citizens' Alliances Organized

And this leads us to the consideration of another great factor in the present struggle—the Citizens' Alliance. The Citizens' Alliance is the expression in some degree of this suffering third party, pinched into organization. Often the citizens' alliances are composed largely of employers and are engines for fighting unionism, but they usually contain also many citizens and business men, who, not connected directly with any industrial struggle, have yet been injured. In some cities the alliances sprung into being with the spontaneity of a vigilance committee—and at once went to extremes. One extreme provokes another: violence and lawlessness breed violence and lawlessness.

One of the Colorado camps in which the Western Federation of Miners struck last year was Idaho Springs. The mines were closed down, with the usual blight on local business, the usual friction over a settlement, and, finally, the usual attempt to hire non-union men. On the night of July 28, 1903, while the Sun and Moon Mine was thus operating, a terrific explosion occurred which blew up the electrical transformer house and cut off the power from the mine. An Italian, with a union card in his pocket, supposedly a member of the attacking party, was found dead shortly afterward, either killed by the explosion or shot by the guards, so the crime was at once laid at the door of the union, rightly or wrongly. Deputy sheriffs arrested all the leaders of the union, taking most of them from their homes, some of them from their beds. Then the Citizens' Alliance called a meeting, which was presided over by Lafayette Hanchette, president of

the First National Bank, and one of the foremost citizens of the town. There were impassioned speeches. Mr. Hanchette himself said :

It was the design of these men to remove us as they did Arthur Collins at Telluride. The officers of the Western Federation of Murderers know who committed that foul deed. It is not pleasant to do business and try to build up our city with the consciousness that there are men ready to pick you off from behind bushes or boulders. These assassins will not shoot a man in the front, but will creep up on him like cowards from behind. I know that the men down in the city jail were too cowardly to roll kegs of powder down upon the Sun and Moon Mine, attempting to kill all the men at work there, but they got some ignorant Italians to do the job for them.

Union Leaders Expelled by the Citizens' Alliance

The Deputy District Attorney, Smith, a Southerner, tried to counsel moderation, urged the alliance to proceed lawfully. "I have seen mobs in the South," he said, "and I know what they come to." But the citizens would not listen to him. They marched out of the meeting, wrought to a high pitch, took the fourteen union men, including President Tressider, Secretary Olcott, and Treasurer Bender, formed them in line, and marched them to the limits of the town. There they were halted, and Lafayette Hanchette said to them :

Never show your faces in Clear Creek County again, for, if you do, we will not be responsible for what happens to you. A very considerable element here has been for hanging you men, but the conservative citizens have prevailed. They expect you to keep moving until you get out of the state.

Then the men moved off into the darkness on foot. Four of them left their wives and families behind, and one an aged mother—not knowing what was to be the result of this rising of the citizens.

How the story of these strike leaders, lawlessly driven from their town and their homes, brings up the picture of the "scabs," abused, beaten, shot at, driven over the mountains at Telluride, by union men after the capture of the Smuggler-Union Mine !

Well, the deported union men did not stay away. They returned shortly with lawyers, and had eighty-four members of the Citizens' Alliance arrested and placed under bonds ; then the Citizens' Alliance turned and had the union leaders arrested

—and after that there were interminable trials, nearly bankrupting the county, falling heavily upon every taxpayer, costing the Federation large sums of money, costing the Citizens' Alliance large sums of money.

Fate of the Decent Union Man

Out of this also grew greater bitter-nesses, greater hatreds, greater distrust—and, finally, the determination of the Citizens' Alliance to crush unionism forever in the Idaho Springs district. And this fell hard on individuals who, honest, hard-working, respectable American citizens, perhaps, were members of the union. Probably these very men remained at home on stormy nights when there was a union meeting ; probably they didn't like "union politics" ; probably they did not know of the "slugging" of "scabs," or the plan to blow up the Sun and Moon Mine, if there was a plan—and *didn't want to know*. So the union fell into the hands of unwise, perhaps criminal, leaders—and they, these honest, decent union members, like the honest, decent members of our political parties, allowed the Boss to get control. And who now suffers ? Why, these very same honest, self-respecting citizens ! Who pays the taxes ? Not the rowdy union element that commits the crimes : they have no property to tax ; but these same saving, industrious union men, who do not like union politics !

Public Officials Taking Sides

Another appalling feature of this Colorado contest is the lining up of public officials on one side or the other of the industrial conflict. I have no wish to attack any official of Colorado, especially any judge—these are trying times, and men are prone to call names and misjudge motives—and yet no student looking into the Colorado situation, if he honestly desire to see every condition, bad or good, can escape seeing also this political side of the industrial question.

We find, for instance, Governor Peabody violently abused by all union men as a friend of the corporations. They say he was elected on a well understood anti-union platform, that he has been eager to call out the troops and help crush unionism. The employers, on the other hand, call him a "fair man," a "brave governor." I am

not here discussing these charges. I am merely reporting them. A few years ago Governor Waite sat in the State-house: "Bloody Bridles" Waite they called him. Even to this day you will hear the employers of Colorado speaking of Waite as an anarchist, a demagogue, telling how he called out the troops to help the miners during the Cripple Creek strike. Union men, on the other hand, call him a hero, a "fair governor," a "fearless man." Is not, then, Governor Peabody, or was not Governor Waite, the governor for both union men and employers?

Union Judges and Corporation Judges

You will hear District Judge Owers, the judge before whom the members of the Citizens' Alliance of Idaho Springs were brought after they had driven the union men out of town, called by many employers an anarchist, a partizan of the unions.

"Just wait till we get Judge De France back," a prominent citizen of Idaho Springs said to me. "He'll teach these union murderers a lesson."

The union, on the other hand, speaks of Judge Owers as a "friend." In the same way I heard Judge Seeds, of Cripple Creek, criticized by employers and praised by union leaders. Attorney-General Miller is reported as saying:

The governor and his attorneys will try to prevent an immediate hearing of the cases, to permit the people to become composed. Their hope lies in the fact that Judge Seeds will leave the district, January 1st, giving up his seat temporarily to Judge Lewis.

Does justice, then, come and go with the judges in Colorado?

Similarly I heard legislators spoken of as "union men," or as "owned by the corporations," and sheriffs designated and counted off as favoring employers or employees.

And this, as we Americans all know, is by no means a condition peculiar to Colorado, although the present strike has brought it strongly into prominence. Colorado, too, is made up of American citizens, and its faults are American faults, not Colorado faults.

Are we, then, becoming so much unionists, so much corporationists, that we forget that we are also American citizens? Are our own private or class interests absorbing our allegiance so strongly that we forget our broad, national, state, and civic duties?

When we vote, are we voting for Americans who will make and execute laws for all citizens, or are we voting for union legislators, corporation judges, citizens' alliance sheriffs?

Who is to Blame for Anarchy?

These, then, are the conditions in Colorado, all too briefly sketched. Who is to blame for this condition of anarchy? We hear the military forces roundly abused for their despotism, but, without wishing to excuse any of their usurpations or excesses, it is yet pertinent to inquire whether they have done anything that the citizens have not long been doing. Has not the union broken into the homes of citizens? Has not the union interfered with the personal liberty of many a "scab," driven him from his home and his work, as many a strike-leader is now being driven by the bayonet? Has it not even killed its enemies?

Have not the corporations of Colorado defeated the will of the people; have they not broken laws every day, without punishment? Have not the citizens' alliances driven men from their homes and their families?

Has not even the Legislature itself broken the highest law of the Republic, the will of the people, for private, or political, or selfish ends?

Democracy and Despotism

And, finally, as a result of all this long-continued brazen law-breaking, we see the privileges of free government taken from the people and placed in the hands of an outside despot who rules by powder and shot. In the long run, the law gets itself executed, inevitably, mercilessly; if not by the ordinary machinery of the civil officials, then by the extraordinary machinery of martial rule.

Getting down at last to fundamental principles, this is the condition in Colorado: the people have broken the law and they are being punished. Not part of the people, but every person in Colorado; not only he who bludgeoned or bribed, but he who, greedily, in the pursuit of his private business, has forgotten his civic duties, who has not, himself obedient to the law, demanded the election of men who will enforce the law, not union men, nor corporation men, but Americans.

There is no better evidence of the responsibility of every voter in Colorado than that every voter has suffered—if not directly in the strike, then in loss of business, in increased cost of coal and other commodities, in rising taxes. Colorado will long bend under the burden of paying for its troops, now for many months in the field, and for the endless lawsuits arising out of these disturbances. It is not cheap—lawlessness.

Perhaps just this appalling punishment was necessary to shake the people of Colorado—and of the country—from their indolent indifference. The white-hot anger of the people of Colorado, though it may be directed at the wrong thing—at the union, at the citizens' alliance, at the trust, when it should be directed at lawlessness—is a sign of hope: through the passion of this anger changes may be wrought.

ON THE SADDLE BOW RANGE

BY

ALVAH MILTON KERR

ILLUSTRATED BY POWER O'MALLEY

IF it is true, as some assert, that opportunity is half of greatness, is it not also true that good environment is half of righteousness? We build ourselves, mentally and physically, out of our surroundings; we are forced to use the material that lies nearest; we naturally absorb that which lies against us. Suppose one *does* go wrong? Why should we coddle the physically sick and kick and punish the spiritually ill? Chief Dispatcher Manvell looked at Superintendent Burke in his kind, earnest way. Burke puckered his bearded lips, lifted his shaggy brows, and waited.

Manvell sat just inside the big arch of the alcove room. Outside the arch was an apartment forty feet long by perhaps twenty wide. In the corners and along the walls were several desks; near the center of the room were three tables given over to train sheets, message hooks, and telegraph instruments; heads, some bald, some stoutly haired, bowed at the desks and tables; the room was pervaded by pipe odors and chattering Morse.

Burke tapped with his pencil a paper-weight that lay on his desk. He had several casts of utterance—an arid, impersonal one that totally disguised his feelings; a dry, grating one that took you into

consideration, yet, somehow, rubbed the skin off you, and a quick, explosive fashion of speech on occasion that was welcoming and cordial. His tone was now dry and grating.

"Which means," he said, "that the young fellow waiting out in the anteroom is to get a position or, at least, consideration, while I have a letter here before me saying that he is—well, plainly, a dangerous man, and ought to be on the black-list. Am I right?" He looked from under his heavy brows sidewise at Manvell.

"Yes," said the chief quietly. "It so happens that I knew a good deal about this chap back in Chicago. He used to sell papers in front of the A. and T. depot when I was fourth man in the dispatcher's office back there. I saw him pull a ragged little fellow out from under the feet of an advancing truck team one day. For a moment the two youngsters were mixed up with the legs of the horses; then the larger boy rolled out of the tangle and pulled the little one after him. He looked at the squalling unfortunate with vast displeasure, then gave him a fierce shake and said: 'Now, you skip home, Runty, t' y'r mudder; y'r not big enough t' be out here mixin' wid *us men*!' I was crossing the street and I laughed and stopped and asked the rescuer if he were hurt. He rubbed